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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,772	10/29/2003	Chih-Chien Dong	JCLA10907	8872

			EXAMINER
23900	7590	07/03/2006	BROWN, MICHAEL J

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ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/697,772	DONG ET AL.
	Examiner	Art Unit	
	Michael J. Brown	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 April 2006</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 April 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by

Walsh et al.(US Patent 6,202,121).

As to claim 1, Walsh discloses an operating system loading method, for loading

an operating system(operating system 35, see Fig. 1) from a storage device(hard disk

drive 27, see Fig. 1), comprising judging whether the operating system is first time

booted or not(see column 3, lines 2-6), creating a cluster-list-table(load sequence list,

see column 4, line 63) if the operating system is first time booted(see column 9, line 50;

and column 10, lines 10-12), and loading the operating system according to the cluster-

list-table(see column 10, lines 11-12).

As to claim 2, Walsh discloses the operating system loading method further

comprising generating a check sum if booting the operating system is judged first time,

and judging whether an operating system file is modified or not based on the check

sum(see column 3, lines 2-6).

As to claim 3, Walsh discloses the operating system loading method wherein

creating the cluster-list-table comprises searching a plurality of clusters where the

operating system file is saved(see column 5, lines 6-11), and sorting and saving as the

cluster-list-table thereof according to information on the clusters(see column 12, lines 60-63).

As to claim 4, Walsh discloses the operating system loading method wherein the storage device is a hard disk drive(hard disk drive 27, see Fig. 1).

As to claim 5, Walsh discloses the operating system loading method wherein the cluster-list-table is sorted based on a cylinder number, a head number, and a sector number(see column 7, lines 17-19).

As to claim 6, Walsh discloses the operating system loading method wherein the storage device is a flash drive(magnetic disk drive 28, see Fig. 1).

As to claim 7, Walsh discloses the operating system loading method wherein the operating system is an embedded operating system(operating system 35, see Fig. 1).

As to claim 8, Walsh discloses an operating system loading method, for loading an operating system(operating system 35, see Fig. 1) from a storage device(hard disk drive 27, see Fig. 1), comprising reading a cluster-list-table(see column 9, line 50), sorting the cluster-list-table according to a new sequence of cylinder, head, and sector of numbers thereof(see column 10, lines 35-46), and loading the operating system according to the sequence of the cluster-list-table(see column 10, lines 11-12; and column 10, lines 47-49).

As to claim 9, Walsh discloses the operating system loading method further comprising judging whether the operating system is first time booted or not, generating a check sum for the operating system the operating system is first time booted(see column 9, line 50; and column 10, lines 10-12), and judging whether an operating

system file is modified or not based on the check sum(see column 3, lines 2-6).

As to claim 10, Walsh discloses the operating system loading method further comprising judging whether the operating system is first time booted or not(see column 3, lines 2-6), searching a plurality of clusters where the operating system file is saved if loading the operating system is judged first time(see column 5, lines 6-11), and sorting and saving as the cluster-list-table thereof according to information on the clusters(see column 12, lines 60-63).

As to claim 11, Walsh discloses the operating system loading method wherein the storage device is a hard disk drive(hard disk drive 27, see Fig. 1).

As to claim 12, Walsh discloses the operating system loading method wherein the cluster-list-table is sorted based on a cylinder number, a head number, and a sector number(see column 7, lines 17-19).

As to claim 13, Walsh discloses the operating system loading method wherein the storage device is a flash drive(magnetic disk drive 28, see Fig. 1).

As to claim 14, Walsh discloses the operating system loading method wherein the operating system is an embedded operating system(operating system 35, see Fig. 1).

As to claim 15, Walsh discloses the operating system loading method wherein the cluster-list-table is sorted to create a new sequence of loading the operating system(see column 10, lines 11-12; and column 10, lines 35-49).

As to claim 16, Walsh discloses the operating system loading method wherein

the cluster-list-table is sorted according to a new sequence of cylinder, head, and sector

numbers of the cluster-list-table(see column 10, lines 35-46).

As to claim 17, Walsh discloses the operating system loading method wherein

the new sequence is arranged in a manner that the cylinder, head, and sector numbers

thereof are arranged in an ascending order(see column 10, lines 35-46).

As to claim 19, Walsh discloses the operating system loading method wherein

the new sequence is arranged in a manner that the cylinder, head, and sector numbers

thereof are arranged in an ascending order(see column 10, lines 35-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

2.   Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Walsh et al.(US Patent 6,202,121) and further in view of Tse et al.(US Patent

6,282,544).

As to claim 18, Walsh discloses the operating system loading method as cited in

claim 1 and explained above. However, Walsh fails to disclose the loading method

wherein the cluster-list-table is defined by an array structure of:


```
struct Cluster-list-table{

        ULONG ulNumber;

        ULONG ulSector;

        ULONG ulCylinder;

        ULONG ulHead;
}ClustersList[];
```


Tse teaches a fact target table defined by an array structure(see column 12, lines

28-37). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the inventions of Walsh and Tse in order to create a

definition for an array structure. The motivation to do so would be generate the cluster-

list-table for an operating system.

As to claim 20, Walsh discloses the operating system loading method as cited in

claim 8 and explained above. However, Walsh fails to disclose the loading method

wherein the cluster-list-table is defined by an array structure of:

```
struct Cluster-list-table{

        ULONG ulNumber;

        ULONG ulSector;

        ULONG ulCylinder;

        ULONG ulHead;

}ClustersList[];
```

Tse teaches a fact target table defined by an array structure(see column 12, lines 28-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions of Walsh and Tse in order to create a definition for an array structure. The motivation to do so would be generate the cluster-list-table for an operating system.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Walsh does not disclose, teach, or suggest the steps of "judging whether the operating system is first booted or not" and "creating a cluster-list-table if the operating system is first time booted." Examiner disagrees as Walsh discloses monitoring whether or not to install a new version of their operating

system(see column 3, lines 2-6) and creating a load sequence list if the operating system is new(see column 9, line 50; and column 10, lines 10-12).

Applicant also argues that Walsh does not disclose, teach or suggest a step of "sorting the cluster-list-table according to a new cylinder, head, and sector numbers thereof." Examiner disagrees as Walsh discloses sorting the load sequence list according to removed files and reinstalled files which would entail a new cylinder, head, and/or sector numbers.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (571)272-5932. The examiner can normally be reached on Monday-Friday from 7:00am to 3:30pm(EST).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIRS) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications are available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

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